

## **REMARKS**

In response to the above-noted Office Action, Applicant has amended Claim 1 responsive to the rejection of Claims 1, 2, 4 and 5 under 35 USC 112, second paragraph. Additionally, Claim 1 has been amended to incorporate the limitations of Claim 3 which has been cancelled in order to more clearly distinguish over the prior art. Claim 4 has been amended to change its dependency from cancelled Claim 3. Additional amendments have been made to Claim 1 to provide further clarity to the claim.

Claims 1, 3, 4 are rejected under 35 USC 103(a) as being unpatentable in view of McDaid. Claims 1 and 5 are rejected under 35 USC 103(a) as being unpatentable over McDaid '936 in view of Myers '244 or Lee '907. Since Claim does not make reference to a push-in type lock, Applicant assumes that this rejection was intended to refer to Claims 2 and 5, and not Claims 1 and 5.

However, in response to the rejection of the claims under 35 USC 103(a), according to MPEP §2142

[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that 'rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.' *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, “[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in *Graham*.” Further, according to MPEP §2143.01, [o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” *KSR International Co. v. Teleflex, Inc.* 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1396 (2007), and *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103*, Section III(D), issued by the U.S. Patent and Trademark Office on October 10, 2007. MPEP §2142 further provides:

[a] statement that modification of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

In this connection, the Examiner contends that McDaid teaches a portable device lock comprising a block lock body 70. Although McDaid refers to element 70 as a security device, it should be clear from Figure 3, mating groove 74 of element 70 which slides into annular groove 62 is not a key operated device as required by Claim 1. In other words, when body 70 is slid onto external member 24 via groove 74, there is nothing which prevents element 70 from being slid off groove 62.

The Examiner notes that McDaid fails to teach a block body having a circular or oblong cavity, and contends that a change in shape of a structure is generally considered to be within the level of ordinary skill in the art. However, since elements 70 and 24 of McDaid cannot be locked together, a person skilled in the art would not look to McDaid to provide such structure. Thus, the Examiner's contention that it would be obvious for McDaid to have a circular or oblong cavity is not well taken since Applicant's cavity, as disclosed and claimed, engages with ribbed attachment member 28 which is then locked there inside by a key operated device. In this connection, Applicant has amended Claim 1 to incorporate the limitations of Claim 3 to clarify that the locking mechanism is generally circular. In this connection, Applicant submits that the shape is not a mere design expediency. For example, at page 5 of the Application, lines 10-16, it is explained that by having circular ribs, the cable shoe is freely rotatable by 360° which enhances the convenience of its use due to the inflexible nature of the cable.


Myers and Lee which were relied upon for teaching push-in type locks to meet the added limitations of Claims 2 and 5 do not teach or suggest the foregoing structure as set forth in Claim 1.

Accordingly, since Claim 1 has been demonstrated to be patentably distinguishable over the prior art of record, and since the remaining Claims 2 and 4-5 add further limitations thereto, Applicant submits that the claims pending for examination, namely Claims 2 and 4-5 are now in condition for allowance, which early action is requested.

If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

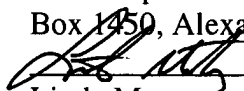
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Linda Metz      December 19, 2007

ESH/lmd